



1931

## Criminal Law Changes

Richard E. Wenzel

Follow this and additional works at: <https://commons.und.edu/ndlr>

---

### Recommended Citation

Wenzel, Richard E. (1931) "Criminal Law Changes," *North Dakota Law Review*: Vol. 8 : No. 2 , Article 1.  
Available at: <https://commons.und.edu/ndlr/vol8/iss2/1>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact [und.common@library.und.edu](mailto:und.common@library.und.edu).

# BAR BRIEFS

PUBLISHED MONTHLY AT BISMARCK

—By—

## STATE BAR ASSOCIATION OF NORTH DAKOTA

Richard E. Wenzel, Editor

Entered as Second Class Matter Jan. 15, 1925, at the Postoffice at Bismarck,  
North Dakota, Under the Act of August 24, 1912

VOL. 8

JANUARY, 1932

NO. 2

### CRIMINAL LAW CHANGES

For years bar associations over the country have been discussing law enforcement and criminal procedure. Governor Shafer, while Attorney General, presented to this Association a number of progressive suggestions, which were approved by the States' Attorneys Association. Thus far, however, North Dakota is carrying on very much as it has since entry into statehood.

As we survey the discussions over the country there are seven proposals that make an appeal to us. By making an appeal we mean that they deserve the wholehearted backing of the North Dakota Bar. By deserving the backing of the Bar we mean that they ought to be put into effective operation.

Those proposals are: 1. Reduction of the number of peremptory challenges; 2. Giving defendants the right to waive jury trials; 3. Allowing verdicts that are not unanimous; 4. Allowing impeachment of an adverse witness; 5. Requiring advance notice of an alibi defense; 6. Providing for alternate jurors; 7. Simplifying prosecutions for perjury.

Numbers 1, 5 and 7 of these are of the utmost importance. The American Law Institute's Model Code provides for ten peremptory challenges in capital cases, six in other felony cases, and three in misdemeanors. Alibi defense laws are in force in several states. Perjury provisions are inadequate. The wantonness with which false testimony is now presented is a disgrace, besmirching every one claiming the title "officer of the court".

Most of the reasons for contesting changes in procedure are not reasons but excuses. Our plea, therefore, is that North Dakota may develop a larger supply of that "intestinal fortitude" that achieves results.